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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/388,935	09/02/1999	TADAMITSU MIYAWAKI	104144	4667

25944 7590 07/02/2003

OLIFF & BERRIDGE, PLC  
P.O. BOX 19928  
ALEXANDRIA, VA 22320

EXAMINER
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HAYES, JOHN W

ART UNIT	PAPER NUMBER
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3621

DATE MAILED: 07/02/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

**Advisory Action**

Application No.

09/388,935

Applicant(s)

MIYAWAKI ET AL.

Examiner

John W Hayes

Art Unit

3621

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

**PERIOD FOR REPLY** [check either a) or b)]

- a) ☐ The period for reply expires \_\_\_\_\_ months from the mailing date of the final rejection.
- b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on \_\_\_\_\_. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☐ The proposed amendment(s) will not be entered because:
- (a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);
- (b) ☐ they raise the issue of new matter (see Note below);
- (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
- (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: \_\_\_\_\_

3. ☐ Applicant's reply has overcome the following rejection(s): \_\_\_\_\_.
4. ☐ Newly proposed or amended claim(s) \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☒ The a) ☐ affidavit, b) ☐ exhibit, or c) ☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: See Continuation Sheet.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☒ For purposes of Appeal, the proposed amendment(s) a) ☒ will not be entered or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: \_\_\_\_\_.

Claim(s) objected to: \_\_\_\_\_.

Claim(s) rejected: 1, 4-8 and 11-15.

Claim(s) withdrawn from consideration: \_\_\_\_\_.

8. ☐ The proposed drawing correction filed on \_\_\_\_\_ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). \_\_\_\_\_.
10. ☐ Other: \_\_\_\_\_

*John W. Hayes*  
John W Hayes  
Primary Examiner  
Art Unit: 3621

Continuation of 5. does NOT place the application in condition for allowance because: Applicant asserts that Downs discloses that a Content Acquisition Tool launches whenever a metadata link is selected at a Content Promotions Website and wherein the selection of this link causes the metadata to be downloaded and displayed. Therefore, applicant asserts that Downs allows for the metadata to be freely available so that a user may review the metadata to determine whether the user may want to purchase the contents. Examiner respectfully disagrees with this characterization of Downs and notes that applicants perspective on the teachings of Downs is taken out of context. The Content Acquisition Tool disclosed by Downs is not used by a end user, but rather an Electronic Digital Content Store (Figure 1B) which are entities that market the content through a wide variety of services and applications and manage the design, development, business operations, settlements, merchandising, marketing and sales of their services (Col. 9 line 50-Col. 10 line 5). An example of an Electronic Digital Content Store (EDCS) is a website that provides electronic downloads of software to end users. Downs discloses that the EDCS uses the Content Acquisition Tool to package electronic information for electronic distribution to end users (Col. 9, lines 15-35). Downs discloses that the metadata is not freely available to end users since the metadata is encrypted and included in a secure container (Col. 38 line 21-Col. 39 line 20; Col. 52, lines 40-51) and further teaches that the summary information is not displayed to an end user unless it has been decrypted using the decryption information (Col. 73, lines 23-34) in the scenario where the content provider wants to charge a fee for the summary information. Thus, examiner maintains that Downs discloses displaying summary information only if it can be decoded by the user. .